

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**AND**

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT PETITION No.16173 of 2004**

Between:

M/s Lakshmi Ganesh Industries, rep.by its Proprietor K.V.S.N.Murthy,  
R/o D.No.61/H.I.G.,Bharat Nagar Colony, Erragadda, Hyderabad, Hyderabad  
District

**..... PETITIONER**

AND

- 1.The Indian Overseas Bank, rep. by its Branch Manager, Nellore,  
Nellore District.
- 2.The Recovery Officer, Debts Recovery Tribunal,  
Visakhapatnam, Visakhapatnam District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in proceeding to auction the property of the petitioner i.e., the land and buildings of M/s.Lakshmi Ganesh Industries admeasuring Ac.1.16 cents in Survey No.237/1 to 237/3 situated at Pothireddypalem, Nellore, Nellore District as illegal, arbitrary and violative of Articles 14, 21 and 300A and consequently direct the respondents to permit the petitioner to pay the balance amount of Rs.5.25 lakhs on or before 30-09-2004.

**Counsel for the Petitioner: Mr.L.V.S.NAGARAJU**

**Counsel for Respondent No.1: Mr.A.KRISHNAM RAJU**

**S.C.FOR IOB.**

**The Court at the admission stage made the following :**

**ORAL ORDER:** (per the Hon'ble the Chief Justice)

The petitioner has not complied with the order dated 10-9-2004. Moreover, learned counsel for the petitioner states that the writ petition has been rendered infructuous.

The writ petition is, therefore, dismissed as having been rendered infructuous. No costs.

---

(DEVINDER GUPTA, C.J.)

6<sup>th</sup> October 2004.

---

(C.V.RAMULU, J.)

ARS

To

- 1.The Branch Manager, Indian Overseas Bank, Nellore,  
Nellore District.
- 2.The Recovery Officer, Debts Recovery Tribunal,  
Visakhapatnam, Visakhapatnam District.
- 3.Two C.D. copies.